



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
805 Frontage Road  
Suite 200C  
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: March 13, 2006  
EXPIRATION DATE: April 12, 2006  
REFERENCE NUMBER: POA-2004-1607-4  
WATERWAY: Cook Inlet

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Terry Cowart, P.O. Box 783, Kasilof, Alaska 99610; (907) 283-0491

LOCATION: Lot 5, Beachview Sea Breeze Addition, within the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 24, T. 4 N., R. 12 W., Seward Meridian, near Kasilof, Alaska; Kenai Peninsula Borough Parcel Number 131-070-59, and; Latitude 60.42080° N, Longitude 151.2795° W; USGS Topo Map Kenai B-4 NE.

WORK: The proposed project is to place approximately 2,501 cubic yards of sand, clay, peat and topsoil into approximately 0.84 acres of wetlands for the construction of a 60' wide X 2' deep X 550' long runway and a 25' wide X 2' deep X 140' long taxiway. The proposed runway would be covered with native topsoil and seeded to facilitate the growth of grass.

PURPOSE: The applicant's stated purpose for the proposed project is for use as an airstrip for small planes within a newly developed subdivision.

ADDITIONAL INFORMATION: The proposed project is located within a greater than 10,000 acre wetland complex that drains to the west and south into Cook Inlet. While the majority of the previous development within this wetland has been limited to natural gas exploration and extraction, some residential development has occurred. On June 3, 2005, an approved wetland determination was conducted for the applicant and the wetland boundaries on the property were marked in the field. This wetland determination is the only file history for the subject property.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be

issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit

would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

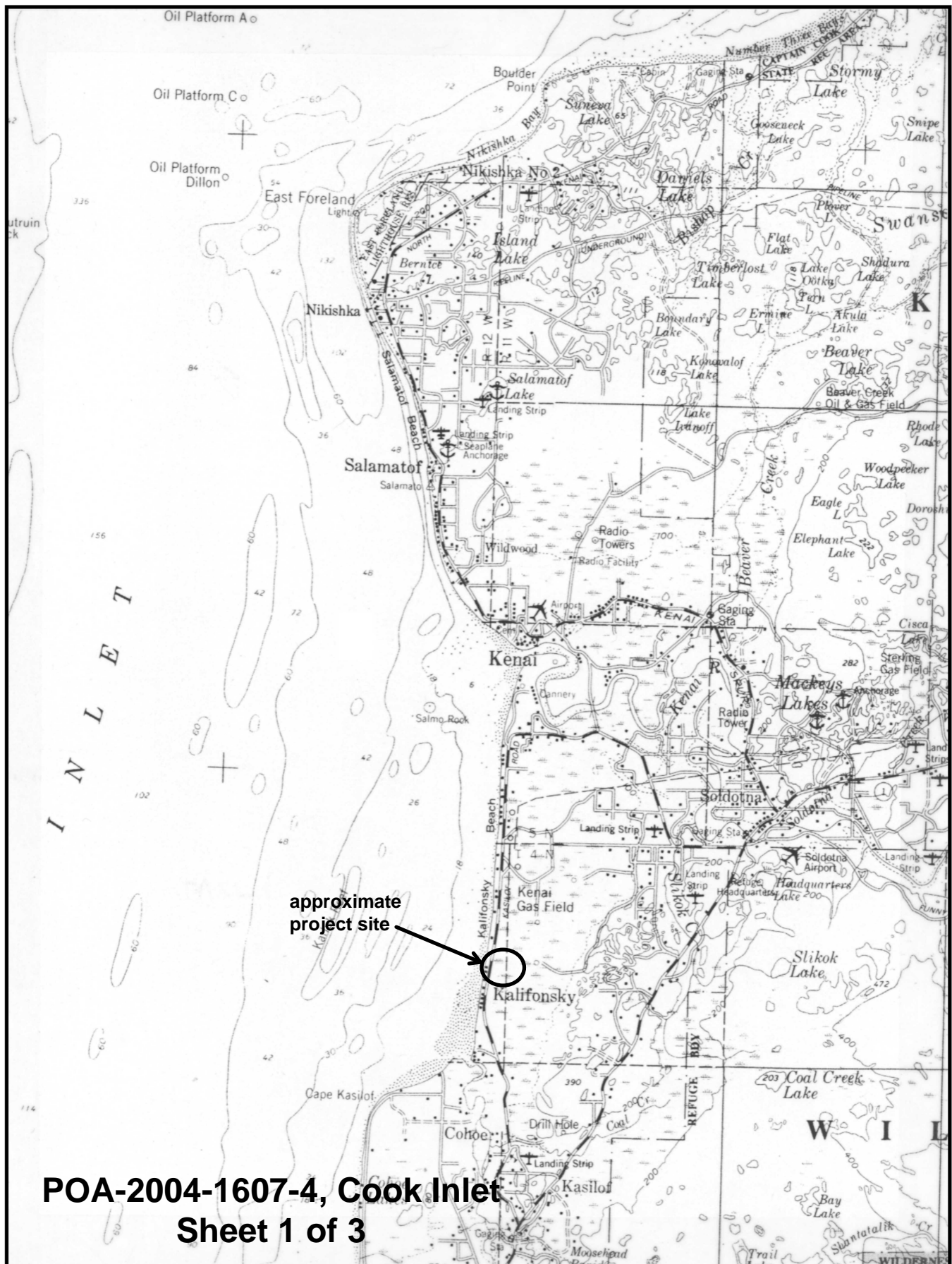
Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa M. Gibson at (907) 283-3519 or by email at [lisa.m.gibson@poa02.usace.army.mil](mailto:lisa.m.gibson@poa02.usace.army.mil), if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Engineer  
U.S. Army, Corps of Engineers

Attachments

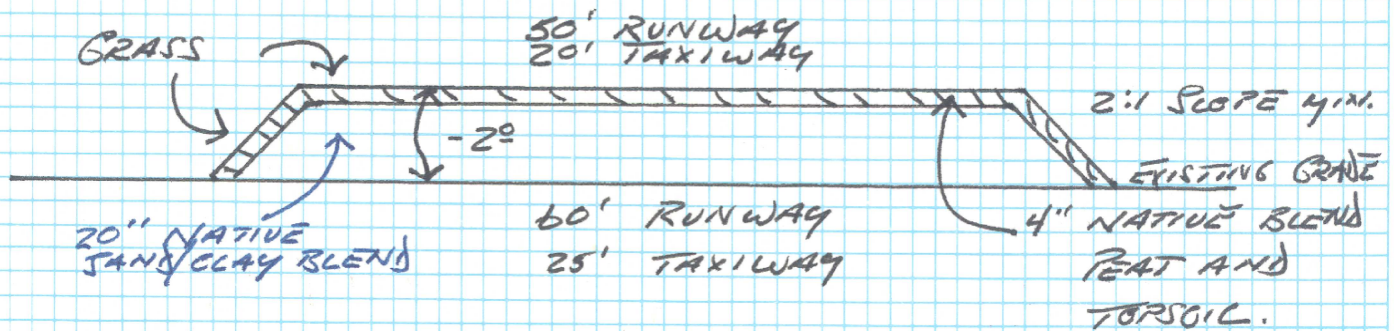


POA-2004-1607-4, Cook Inlet  
Sheet 1 of 3





## TAXI-WAY - RUNWAY PROFILE OVER WETLANDS N.T.S.



### CONSTRUCTION APPROACH

1. PROCURE PERMITS: WETLAND, K.P.B. MATERIALS, EPA STORM
2. INSTALL SILT FENCING ALONG WETLAND BOUNDARY AT SOUTH END OF RUNWAY PRIOR TO CLEAR AND GRUBBING.
3. CLEAR AND GRUB TREES AND VEGETATION FOR MATERIAL EXCAVATION AT SOUTH END OF RUNWAY IN LOT 6
4. EXCAVATE & STOCKPILE IN LOT 6 APPROXIMATELY 2500 CY OF SAND AND CLAY.
5. BACKFILL MATERIALS PIT WITH GRUBBING AND TREE DEBRIS FROM CLEARING AND DEAD SPRUCE OPERATIONS.
6. PER FISH AND WILDLIFE REQUIREMENTS, HOLD OFF ON ANY FILL INTO WETLANDS UNTIL END OF NESTING PERIOD. AT END, COMPLETE RUNWAY - TAXIWAY SUBGRADING FOR PERMITTED AREA AND INSTALL SILT FENCING BETWEEN WORK AREA AND WETLANDS.
7. INSTALL ROAD FABRIC 60' WIDE ALONG RUNWAY PROFILE AND 25' ALONG TAXIWAY PROFILE IN WETLANDS ONLY.
8. INSTALL 12" CULVERT AT RUNWAY MIDPOINT UNDER RUNWAY TO EQUALIZE ANY POTENTIAL WATER BUILDUP FROM HEAVY RAINS OR SPRING THAW
9. PUSH WITH DOZER AND TRANSPORT APPROXIMATELY 2500 CY TO BUILD UP RUNWAY AND TAXIWAY - ALL WORK TO STAY WITHIN RUNWAY - TAXIWAY PROFILE
10. HAUL AND SPREAD 4" OF PEAT-TOPSOIL NATIVE MATERIALS TO COVER RUNWAY - TAXIWAY TOP AND SLOPES - SEED WITH HIGHWAY MIX.
11. WATER AND MAINTAIN TO MATURING
12. REMOVE ALL TEMPORARY CONSTRUCTION

TERRY COWART  
SEA BREEZE AIRSTRIP  
7.25 MILE K-BEACH RD  
KASLOV, ALASKA

SHEET: 3 OF 4  
DATE: 2-17-06

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2004-1607-O, Kachemak Bay, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

**POA-2004-1607-O, Kachemak Bay,** will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.